

after his death, as franked mail, nonpolitical correspondence relating to the death of the Member.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 755; Pub. L. 93-191, §11, Dec. 18, 1973, 87 Stat. 746; Pub. L. 97-69, §6(b), (c)(1), Oct. 26, 1981, 95 Stat. 1043.)

AMENDMENTS

1981—Pub. L. 97-69 substituted “survivors” for “surviving spouses” in section catchline and, in text, inserted “(or, if there is no surviving spouse, a member of the immediate family of the Member designated by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, in accordance with rules and procedures established by the Secretary or the Clerk)” after “such Member”.

1973—Pub. L. 93-191 inserted “nonpolitical” before “correspondence”.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as a note under section 3210 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3216 of this title; title 2 sections 501, 502.

§ 3219. Mailgrams

Any Mailgram sent by the Vice President, a Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, the Law Revision Counsel of the House of Representatives, or the Senate Legal Counsel, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210 of this title.

(Added Pub. L. 93-191, §12(a), Dec. 18, 1973, 87 Stat. 746; amended Pub. L. 95-521, title VII, §714(c), Oct. 26, 1978, 92 Stat. 1884; Pub. L. 97-263, §1(4), Sept. 24, 1982, 96 Stat. 1132.)

AMENDMENTS

1982—Pub. L. 97-263 inserted reference to Law Revision Counsel of House of Representatives.

1978—Pub. L. 95-521 inserted reference to Senate Legal Counsel.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-521 effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as an Effective Date note under section 288 of Title 2, The Congress.

EFFECTIVE DATE

Section effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1976 Amendment note under section 3210 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3216 of this title; title 2 sections 501, 502.

[§ 3220. Omitted]

CODIFICATION

Section, added Pub. L. 99-87, §1(a)(1), Aug. 9, 1985, 99 Stat. 290, which related to use of official mail in the lo-

cation and recovery of missing children, was omitted in view of termination of amendment enacting this section by section 5 of Pub. L. 99-87, as amended. See Termination Date note below.

TERMINATION DATE

Section 5 of Pub. L. 99-87, as amended by Pub. L. 100-202, §101(m) [title VI, §627(a)], Dec. 22, 1987, 101 Stat. 1329-390, 1329-430; Pub. L. 102-514, §1(2), Oct. 24, 1992, 106 Stat. 3371; Pub. L. 105-126, §1(2), Dec. 1, 1997, 111 Stat. 2542, provided that: “The amendments made by section 1 [enacting this section and amending sections 3201 and 3204 of this title and section 733 of Title 44, Public Printing and Documents] and any guidelines, rules, or regulations prescribed to carry out such amendments shall cease to be effective after December 31, 2002.”

CHAPTER 34—ARMED FORCES AND FREE POSTAGE

Sec.

- 3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations.
- [3402. Repealed.]
- 3403. Matter for blind and other handicapped persons.
- 3404. Unsealed letters sent by blind or physically handicapped persons.
- 3405. Markings.
- 3406. Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act.

AMENDMENTS

1986—Pub. L. 99-410, title II, §201(b)(1), Aug. 28, 1986, 100 Stat. 928, added item 3406.

1979—Pub. L. 96-70, title I, §1331(e)(3)(B), Sept. 27, 1979, 93 Stat. 482, struck out item 3402 “Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations in the Canal Zone”.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3684 of this title.

§ 3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations

(a) Letter mail or sound- or video-recorded communications having the character of personal correspondence shall be carried, at no cost to the sender, in the manner provided by this section, when mailed by—

(1) an individual who is a member of the Armed Forces of the United States on active duty, as defined in section 101 of title 10, or a civilian, otherwise authorized to use postal services at Armed Forces installations, who holds a position or performs one or more functions in support of military operations, as designated by the military theater commander, and addressed to a place within the delivery limits of a United States post office, if—

(A) such letter mail or¹ sound- or video-recorded communication is mailed by such individual at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, engaged in temporary military operations under arduous circumstances, serving with a

¹ See 1990 Amendment note below.

friendly foreign force in an armed conflict in which the United States is not a belligerent, or temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense; or

(B) such individual is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in an overseas area designated by the President under clause (A) of this paragraph; or

(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

(A) the member is accorded free mailing privileges by his own government;

(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

(D) such letter mail or sound- or video-recorded communication is mailed by the member—

(i) at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D)(i) of this paragraph; and

(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

(b) There shall be transported by air, between Armed Forces post offices which are located outside the 48 contiguous States of the United States or between any such Armed Forces post office and the point of embarkation or debarkation within the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, or the Virgin Islands, on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49, the following categories of mail matter:

(1)(A) letter mail or sound- or video-recorded communications having the character of personal correspondence;

(B) parcels not exceeding 15 pounds in weight and 60 inches in length and girth combined; and

(C) publications entitled to a periodical publication rate published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public,

which are mailed at or addressed to any such Armed Forces post office;

(2) parcels not exceeding 70 pounds in weight and the maximum size allowed by the Postal Service for fourth class parcel post (known as "Standard Mail (B)"), which are mailed at any such Armed Forces post office; and

(3) parcels exceeding 15 pounds but not exceeding 70 pounds in weight and not exceeding the maximum size allowed by the Postal Service for fourth class parcel post (known as "Standard Mail (B)"), including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with this subsection, the transportation of such mail may be authorized by other than scheduled United States air carriers.

(c) Any parcel, other than a parcel mailed at a rate of postage requiring priority of handling and delivery, not exceeding 30 pounds in weight and 60 inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title, shall be transported by air on a space available basis on scheduled United States air carriers at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49, upon payment of a fee for such air transportation in addition to the rate of postage otherwise applicable to such a parcel not transported by air. If adequate service by scheduled United States air carriers is not available, any such parcel may be transported by air carriers other than scheduled United States air carriers.

(d) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails under authority of subsection (a) of this section.

(e) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service, as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 406 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a

special charge to the extent the special charge covers the additional expense of air transportation or (2) that is provided by the Postal Service at the same postage rate or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

(f) This section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense jointly may prescribe.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 755; Pub. L. 92-469, Oct. 6, 1972, 86 Stat. 782; Pub. L. 96-70, title I, §1331(e)(2), Sept. 27, 1979, 93 Stat. 482; Pub. L. 98-443, §9(g)(1), Oct. 4, 1984, 98 Stat. 1707; Pub. L. 101-384, Sept. 18, 1990, 104 Stat. 737; Pub. L. 101-509, title VI, §631(a), Nov. 5, 1990, 104 Stat. 1480; Pub. L. 101-510, div. A, title XI, §1113, Nov. 5, 1990, 104 Stat. 1636; Pub. L. 102-484, div. A, title X, §1051(b)(3), Oct. 23, 1992, 106 Stat. 2498; Pub. L. 103-160, div. A, title III, §364, Nov. 30, 1993, 107 Stat. 1628; Pub. L. 103-272, §5(k)(1), July 5, 1994, 108 Stat. 1375; Pub. L. 106-398, §1 [[div. A], title X, §1088], Oct. 30, 2000, 114 Stat. 1654, 1654A-294.)

AMENDMENTS

2000—Subsec. (b)(2), (3). Pub. L. 106-398 substituted “the maximum size allowed by the Postal Service for fourth class parcel post (known as ‘Standard Mail (B)’)” for “100 inches in length and girth combined”.

1994—Subsecs. (b), (c). Pub. L. 103-272 substituted “section 41901” for “section 1376”.

1993—Subsec. (a)(1). Pub. L. 103-160, in introductory provisions, inserted “an individual who is” before “a member” and “or a civilian, otherwise authorized to use postal services at Armed Forces installations, who holds a position or performs one or more functions in support of military operations, as designated by the military theater commander,” after “section 101 of title 10,” and, in subpars. (A) and (B), substituted “such individual” for “the member”.

1992—Subsec. (a)(1). Pub. L. 102-484 substituted “section 101 of title 10,” for “section 101(4) and (22) of title 10,” in introductory provisions.

1990—Subsec. (a). Pub. L. 101-510 substituted “sound- or video-recorded” for “sound-recorded” in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 101-510 substituted “sound- or video-recorded” for “sound-recorded”.

Pub. L. 101-509, which directed that “, or temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense” be inserted after “belligerent”, and that “or” be struck out the first time it appears, was executed by making the insertion as directed but by striking out “or” appearing before “serving with a friendly foreign force” to reflect the probable intent of Congress.

Pub. L. 101-384 inserted “engaged in temporary military operations under arduous circumstances,” before “or serving”.

Subsecs. (a)(2)(D), (b)(1)(A). Pub. L. 101-510 substituted “sound- or video-recorded” for “sound-recorded”.

1984—Subsecs. (b), (c). Pub. L. 98-443 substituted “Secretary of Transportation” for “Civil Aeronautics Board”.

1979—Subsec. (b). Pub. L. 96-70 substituted “or the Virgin Islands,” for “the Virgin Islands, or the Canal Zone.”

1972—Subsec. (b)(1). Pub. L. 92-469, §1, substituted “15” for “5” after “pounds” in cl. (B), redesignated subsec. (b)(2) as (b)(1)(C), and deleted therefrom former cls. reading “(A) in an overseas area designated by the President under subsection (a) of this section, or (B) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available”.

Subsec. (b)(2). Pub. L. 92-469, §1, added subsec. (b)(2). Former subsec. (b)(2) redesignated subsec. (b)(1)(C).

Subsec. (b)(3). Pub. L. 92-469, §1, substituted “15” for “5” after “pounds”.

Subsecs. (c) to (f). Pub. L. 92-469, §2, added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE

Chapter effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

OPERATION DESERT SHIELD

Section 631(b) of Pub. L. 101-509 provided that: “This section [amending this section] shall apply to military personnel participating in ‘Operation Desert Shield.’”

EXECUTIVE ORDER NO. 11255

Ex. Ord. No. 11255, Nov. 1, 1965, 30 F.R. 14135, which designated Vietnam and certain waters adjacent thereto as an overseas combat area where the Armed Forces of the United States are engaged in military operations involving armed conflict with a hostile foreign force, for purposes of sections 4169 and 4303 of former Title 39, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

EX. ORD. NO. 12556. DELEGATION OF FUNCTIONS TO SECRETARY OF DEFENSE

Ex. Ord. No. 12556, Apr. 16, 1986, 51 F.R. 13205, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. *Delegation of Functions.* The function conferred upon the President by section 3401(a) of title 39 of the United States Code, of designating an area for free mailing privileges, is delegated to the Secretary of Defense.

SEC. 2. *Interagency Consultation.* In performing the function delegated by this Order, the Secretary of Defense shall consult with the Secretary of State and the United States Postal Service, and with the heads of other Executive agencies as appropriate. The Secretary of Defense shall provide timely notice to the United States Postal Service of any designations or terminations of designations made under this Order.

RONALD REAGAN.

[§ 3402. Repealed. Pub. L. 96-70, title I, § 1331(e)(3)(A), Sept. 27, 1979, 93 Stat. 482]

Section, Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 757, related to mailing privileges of members of Armed Forces of the United States and of friendly foreign nations in the Canal Zone.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

§ 3403. Matter for blind and other handicapped persons

(a) The matter described in subsection (b) of this section (other than matter mailed under section 3404 of this title) may be mailed free of postage, if—

(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment and who are certified by competent authority as unable to read normal reading material in accordance with the provisions of sections 135a and 135b of title 2;

(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

(3) the matter may be opened by the Postal Service for inspection; and

(4) the matter contains no advertising.

(b) The free mailing privilege provided by subsection (a) of this section is extended to—

(1) reading matter and musical scores;

(2) sound reproductions;

(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

(4) reproducers or parts thereof, for sound reproductions; and

(5) braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 757.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2401, 3404, 3405, 3627 of this title.

§ 3404. Unsealed letters sent by blind or physically handicapped persons

Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 3403(a)(1) of this title, in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 758.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2401, 3403, 3405, 3627 of this title.

§ 3405. Markings

All matter relating to blind or other handicapped persons mailed under section 3403 or 3404 of this title, shall bear the words “Free Matter for the Blind or Handicapped”, or words to that effect specified by the Postal Service, in the upper right-hand corner of the address area.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 758.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2401, 3627 of this title.

§ 3406. Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act

(a) Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act (individually or in bulk)—

(1) shall be carried expeditiously and free of postage; and

(2) may be mailed at a post office established outside the United States under section 406 of this title, unless such mailing is prohibited by treaty or other international agreement of the United States.

(b) As used in this section, the term “balloting materials” has the meaning given that term in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act.

(Added Pub. L. 99-410, title II, § 201(a), Aug. 28, 1986, 100 Stat. 928.)

REFERENCES IN TEXT

The Uniformed and Overseas Citizens Absentee Voting Act, referred to in text, is Pub. L. 99-410, Aug. 28, 1986, 100 Stat. 924, as amended, which is classified principally to subchapter I-G (§1973ff et seq.) of chapter 20 of Title 42, The Public Health and Welfare. Section 107 of that Act is classified to section 1973ff-6 of Title 42. For complete classification of this Act to the Code, see Short Title of 1986 Amendment note set out under section 1971 of Title 42 and Tables.

EFFECTIVE DATE

Section applicable with respect to elections taking place after Dec. 31, 1987, see section 204 of Pub. L. 99-410, set out as a note under section 1973ff of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2401, 3627 of this title; title 42 section 15386.

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